

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO.34258 OF 2014

Shri. Shivaji Kondaji Nathe and another .. Petitioners

Versus

Smt. Haushabai Daguji Tarle and others .. Respondents

Mr. S. M. Sabrad, Advocate for the Petitioners.

Ms. Pratibha Nachankar i/b M/s. Ajay Misar & Co., for Respondents.

CORAM : R.M. SAVANT, J.

DATE : 20th JANUARY, 2015

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 03.12.2014 passed by the Joint Civil Judge, Junior Division, Pimpalgaon (B), Pune, by which order the application Exh.109 for amendment of the plaint came to be dismissed. Having regard to the nature of the amendment sought which is to challenge the Sale Deed on the ground of the same being hit by the provisions of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, the finding of the Trial Court that the said amendment, if allowed would change nature of the suit, the impugned order cannot be found fault with. It is also required to be noted that the suit was set down for final arguments when the application Exh.109 came to be filed. Having regard

to the facts as afore stated, no case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]